

105TH CONGRESS
1ST SESSION

H. R. 1170

To provide that an application for an injunction restraining the enforcement, operation, or execution of a State law adopted by referendum may not be granted on the ground of the unconstitutionality of such law unless the application is heard and determined by a 3-judge court.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1997

Mr. BONO (for himself, Mr. HYDE, Mr. COBLE, Mr. SMITH of Texas, Mr. GEKAS, Mr. MCCOLLUM, Mr. CANADY of Florida, Mr. SENSENBRENNER, Mr. GALLEGLY, Mr. GOODLATTE, Mr. BARR of Georgia, Mr. BRYANT, Mr. SCHIFF, Mr. CHABOT, Mr. SOLOMON, Mr. DREIER, Mr. CALVERT, Mr. ROHRBACHER, Mr. HORN, Mr. BILBRAY, Mr. RIGGS, Mr. McKEON, Mr. ROYCE, Mr. HERGER, Mr. HUNTER, Mr. LEWIS of California, Mr. KIM, Mr. EHRLICH, Mr. COBURN, Mr. CUNNINGHAM, Mr. GRAHAM, Mr. HOSTETTLER, Mr. BARTLETT of Maryland, and Mr. McINTOSH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide that an application for an injunction restraining the enforcement, operation, or execution of a State law adopted by referendum may not be granted on the ground of the unconstitutionality of such law unless the application is heard and determined by a 3-judge court.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “State Initiative Fair-
3 ness Act”.

4 **SEC. 2. 3-JUDGE COURT FOR CERTAIN INJUNCTIONS.**

5 Any application for an interlocutory or permanent in-
6 junction restraining the enforcement, operation, or execu-
7 tion of a State law adopted by referendum shall not be
8 granted by a United States district court or judge thereof
9 upon the ground of the unconstitutionality of such State
10 law unless the application for the injunction is heard and
11 determined by a court of 3 judges in accordance with sec-
12 tion 2284 of title 28, United States Code. Any appeal of
13 a determination on such application shall be to the Su-
14 preme Court. In any case to which this section applies,
15 the additional judges who will serve on the 3-judge court
16 shall be designated under section 2284(b)(1) of title 28,
17 United States Code, as soon as practicable, and the court
18 shall expedite the consideration of the application for an
19 injunction.

20 **SEC. 3. DEFINITIONS.**

21 As used in this Act—

22 (1) the term “State” means each of the several
23 States and the District of Columbia;

24 (2) the term “State law” means the constitu-
25 tion of a State, or any statute, ordinance, rule, regu-

1 lation, or other measure of a State that has the
2 force of law, and any amendment thereto; and

3 (3) the term “referendum” means the submis-
4 sion to popular vote of a measure passed upon or
5 proposed by a legislative body or by popular initia-
6 tive.

7 **SEC. 4. EFFECTIVE DATE.**

8 This Act applies to any application for an injunction
9 that is filed on or after the date of the enactment of this
10 Act.

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